

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS W. SMITH,	:	
Plaintiff,	:	
v.	:	Civil Action No. 04-07J
PAGE FOAM CUSHIONED PRODUCTS	:	
COMPANY, INC.,	:	
Defendant	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On September 8, 2005, the Magistrate Judge filed a Report and Recommendation, docket no. 19, recommending that defendant's motion for summary judgment, docket no. 10, be granted.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Plaintiffs filed timely objections, docket no. 20.

After de novo review of the record and the Report and Recommendation in light of the objections to the Report and Recommendation, the following order is entered:

AND NOW, this 26th day of September, 2005, it is

ORDERED that the defendant's motion for summary judgment, docket no. 10, is granted. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

cc:

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